

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.806 OF 2002
IN
FIRST APPEAL NO. 155 OF 2002

Office notes, office
memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders.

Court's or Judge's orders.

Shri K.S.Patil for the Applicant.
Shri M.C.Mohulkar for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 1st Sept., 2004.

P.C.:

1. Rule. The Respondent waives service.

2. Prayer (b) of the Civil Application is for stay of the execution of the impugned Judgment and Decree. By the impugned Judgment and Decree, the suit filed by the Appellant has been dismissed. Hence there is no question of staying the decree of dismissal.

3. So far as prayer clause (c) is concerned, the learned Counsel for the Respondent on instructions stated that there is no intention on the part of the Respondent of creating any third party interest. The said statement is accepted. In view of this statement, it is not necessary to grant relief in terms of prayer clause (c). Civil Application is disposed of with no order as to costs.

Judge.